

Arnot, Stephen

From: Arnot, Stephen
Sent: Friday, March 01, 2019 2:51 PM
To: 'jshay@osbar.org'
Subject: Jerry Thompson - Application for Reimbursement from Client Security Fund

Dear Ms. Shay:

Thank you for your email of February 15, 2019 regarding the above matter. As you may recall, Ms Deveny settled two personal injury claims without my client's knowledge or consent. She signed all of the releases and the joint party checks from the insurance companies.

The first application for reimbursement was for a settlement made by Ms. Deveny for \$10,000. Although we can't locate a fee agreement, my client informs me that it was a one-third recovery for the attorney, the balance to the client. I understand that the contingency fee is deducted from any reimbursement by the fund. The question I have relates to the second suit Ms Deveny settled for \$50,000, of which a claim was submitted as well. Although Ms Deveny was Mr. Thompson attorney in the second action, Mr. Thompson never signed a fee agreement to his knowledge and we can't locate one in the file. Based on the lack of the fee agreement, how do you determine the reduction, if any, before you reimburse the client from the security fund. In other words, will you assume a one-third reduction for the contingency fee before distribution to my client or should the reduction be the reasonable value of services at the time Ms. Deveny made the settlement?

Please let me know and I will review the matter with my client before the submission of an amended application for reimbursement from the fund. Thank you.

Stephen P. Arnot

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March 20, 2019

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VIA EMAIL ONLY ahollister@osbar.org

Amber Hollister
Oregon State Bar
16037 SW Upper Boones Ferry Road
PO Box 231935
Tigard, OR 97281

Re: Jerry Thompson
Client Security Fund Claim No. 2019-07, 2018-78
Lawyer: Lori Deveny

Dear Ms. Hollister:

Thank you for your letters dated March 19, 2019 regarding the Client Security Fund Committee's approval of Jerry Thompson's claim for reimbursement.

I wrote to Jerri Shay on March 1, 2019 requesting an opinion regarding the Security Fund's right to setoff the contingency fee before payment to Mr. Thompson. I enclose a copy of my email to Jerri Shay dated March 1, 2019. After you've had a chance to review the attachment, I would appreciate the Bar's position in regards to settlements where the contingency fee was not agreed to, although the attorney was retained.

Thank you in advance for your cooperation.

Very truly yours,

Stephen P. Arnot
(503) 546-1421
sarnot@williamskastner.com

SPA:nlc
Enclosure
cc: Jerry Thompson (w/enc.)